

3/13/15

12:02 P.M.

Chapter No. 330
15/HR40/R1251
CST/NC

HOUSE BILL NO. 404

Originated in House



Clerk

HOUSE BILL NO. 404

AN ACT TO AMEND SECTION 43-27-201, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DIVISION OF YOUTH SERVICES TO OPERATE ADOLESCENT OPPORTUNITY PROGRAMS RATHER THAN ADOLESCENT OFFENDER PROGRAMS, WHICH SUPPLEMENT EXISTING COMMUNITY BASED PROGRAMS THAT ARE USED BY YOUTH COURTS AS ALTERNATIVES TO DETENTION; TO REMOVE OTHER OUTDATED LANGUAGE WITHIN THE SECTION; TO AMEND SECTION 99-3-28, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-27-201, Mississippi Code of 1972, is amended as follows:

43-27-201. (1) The purpose of this section is to outline and structure a long-range proposal in addition to certain immediate objectives for improvements in the juvenile * * * facilities of the Division of Youth Services of the Mississippi Department of Human Services in order to provide modern and efficient * * * rehabilitation facilities for juvenile offenders in Mississippi, who are committing an increasing percentage of serious and violent crimes.

* * *

(* * *2) The Division of Youth Services shall establish, maintain and operate an Adolescent * * * Opportunity Program (AOP) throughout the state, which may include non-Medicaid assistance eligible juveniles. Beginning July 1, * * * 2016, subject to availability of funds appropriated therefor by the Legislature, * * * AOP professional services, salaries, facility offices, meeting rooms and related supplies and equipment may be provided through contract with local mental health or other nonprofit community organizations. Each AOP must incorporate evidence-based practices and positive behavioral intervention that includes two (2) or more of the following elements: academic, tutoring, literacy, mentoring, vocational training, substance abuse treatment, family counseling and anger management. Programs may include, but shall not be limited to, after school and weekend programs, job readiness programs, home detention programs, community service conflict resolution programs, restitution and community service.

* * *

SECTION 2. Section 99-3-28, Mississippi Code of 1972, is amended as follows:

99-3-28. (1) (a) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1, a certified jail officer as defined in Section 45-4-9, a counselor at an adolescent * * * opportunity program

created under Section 43-27-201 et seq., or a sworn law enforcement officer within this state as defined in Section 45-6-3 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent * * * opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf.

(b) The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.

(2) Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there

is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or wellbeing of the public.

SECTION 3. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 5, 2015


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 5, 2015


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/13/15
12:02pm